

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BERNADINE MORIMOTO, et al.,

Case No.: 2:17-cv-01774-APG-GWF

Plaintiffs

V.

RICHARD WHITLEY, et al.,

Defendants

**Order Dismissing Remaining Claims
Without Prejudice to Those Claims Being
Filed in State Court**

I previously granted defendants Clark County, Donald Burnette, and Timothy Burch's motion to dismiss, but stayed that dismissal to give the plaintiffs time to consider whether to file an amended complaint in this court, or to pursue their claims in state court. ECF No. 89. The plaintiffs filed a notice indicating their intent to proceed in state court. ECF No. 90. I therefore decline to exercise supplemental jurisdiction over the remaining state law claims in this case.

The plaintiffs state in their notice that I should “remand” this case to state court. *Id.* at 2. However, this case was originally brought in this court. Consequently, I cannot remand it. Further, I am dismissing the remaining state law claims, without prejudice for the plaintiffs to pursue them in state court. I remind the plaintiffs that pursuant to 28 U.S.C. § 1367(d), the statute of limitations is “tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.”

IT IS THEREFORE ORDERED that I decline to exercise supplemental jurisdiction over the remaining state law claims in this case and all remaining claims between the parties are DISMISSED without prejudice. The clerk of court is instructed to close this case.

DATED this 30th day of November, 2018.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE